

Akin Gump Strauss Hauer & Feld LLP
One Bryant Park
Bank of America Tower
New York, NY 10036

T +1 212.872.1000
F +1 212.872.1002
akingump.com

Akin

Kaitlyn A. Tongalson
+1 212.872.8106/fax: +1 212.872.1002
ktongalson@akingump.com

July 15, 2025

VIA ECF

The Honorable Robyn F. Tarnofsky
United States District Court Magistrate Judge
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: ***Yipit, LLC d/b/a YipitData v. Emmett et al., 1:24-cv-07854 (JGK) (RFT)***

Dear Judge Tarnofsky,

On behalf of Plaintiff Yipit, LLC and with the consent of the parties, we write pursuant to the Court's Order dated May 27, 2025 (Dkt. 238) to apprise the Court of the status of discovery since the status report filed by the parties on June 18, 2025 (Dkt. 261):

- Yipit and Defendant M Science LLC are continuing to meet and confer to discuss responses and objections to written discovery requests, and both Yipit and M Science have served additional written discovery;
- Yipit and M Science believe the parties have reached an impasse on certain written discovery issues for which the parties believe Court intervention will be required;
- The deposition of Alexander Pinsky is complete, and the parties have scheduled nine other individual depositions for July, August and September, including Paul Pasquale on August 7; Sante Faustini on August 7; Shelby Yoshida on August 13; Joseph Napoli on August 20; Aaron Fuchs on August 22; Defendant Zachary Emmett on August 28; Defendant Michael Marrale on September 3; and Defendant Valentin Roduit on September 10;
- Yipit has also served a notice of deposition under Rule 30(b)(6) of Defendant M Science and has initiated meet and confer with M Science regarding the deposition scheduling and topics;
- Yipit seeks to depose Jonathan Foo, a former Yipit employee who is currently employed by M Science's wholly-owned subsidiary M Science Hong Kong Ltd;



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- M Science and Marrale seek to depose Yipit's VP of Product Development Stephen Luban;
- Yipit is conferring with M Science's parent company Jefferies Financial Group, Inc. regarding a Rule 45 subpoena that M Science served on Jefferies;

The parties appreciate the Court's time and attention to this matter. We are available at the Court's convenience to address any questions.

Respectfully submitted,

<p><u>/s/ Laura D. Smolowe</u> Laura D. Smolowe (<i>admitted pro hac vice</i>) Marshall L. Baker (<i>admitted pro hac vice</i>) AKIN GUMP STRAUSS HAUER & FELD LLP 1999 Avenue of the Stars, Suite 600 Los Angeles, California 90067 Tel: (310) 229-1000 lsmolowe@akingump.com mbaker@akingump.com</p> <p>Kaitlyn A. Tongalson Ilana Roberts Kyle Z. Cummings AKIN GUMP STRAUSS HAUER & FELD LLP One Bryant Park New York, New York 10036 Tel: (646) 285-6894 ktongalson@akingump.com kcummings@akingump.com</p> <p><i>Attorneys for Plaintiff Yipit, LLC d/b/a YIPITDATA</i></p>	<p><u>/s/ Andrew J. Shapren</u> Andrew J. Shapren Anne E. Kozul BUCHANAN INGERSOLL & ROONEY PC Two Liberty Place 50 South 16th Street, Suite 3200 Philadelphia, PA 19102 Tel: (215) 665-8700 andrew.shapren@bipc.com anne.kozul@bipc.com</p> <p>Jennifer M. Muller BUCHANAN INGERSOLL & ROONEY PC 640 Fifth Avenue, 9th Floor New York, NY 10019 Tel: (212) 440-4414 jennifermuller@bipc.com</p> <p>Stephen Kelkenberg BUCHANAN INGERSOLL & ROONEY PC Union Trust Building 501 Grant Street, Suite 200 Pittsburgh, PA 14202 Tel: (412) 562-8929 stephen.kelkenberg@bipc.com</p>
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	<i>Attorneys for Defendants M Science LLC and Michael Marrale</i>
<u>/s/ Thomas Lewis</u> Thomas Lewis (NJ Counsel) STEVENS & LEE 510 Carnegie Center Princeton, NJ 08540 <i>New Jersey Attorney for Defendant Zachary Emmett</i> Zachary Emmett 2343 Runyon Court Point Pleasant Beach, NJ 08742 <i>PRO SE</i>	<u>/s/ Blaine Bortnick</u> Blaine H. Bortnick James W. Halter RASCO KLOCK PEREZ & NIETO, LLC 260 Madison Avenue, Suite 16 th Floor New York, NY 10016 Tel: (646) 970-4770 Fax: (305) 675-7944 bbortnick@rascoklock.com jhalter@rascoklock.com <i>Lead Counsel for Defendant Alexander Pinsky</i>
<u>/s/ Maxwell Sandgrund</u> Maxwell Sandgrund Christian T. Becker KASOWITZ LLP 1633 Broadway New York, New York 10019 Tel: (212) 506-1932 msandgrund@kasowitz.com cbecker@kasowitz.com <i>Attorneys for Defendant Valentin Roduit</i>	